

IN THE UNITED STATES BANKRUPTCY COURT  
District of Puerto Rico

In the Matter of:

MELISSA DE HOSTOS ALVAREZ

Debtor(s)

Case No. **09-06440 SEK**

Chapter 13

**MOTION TO RECONSIDER AND VACATE ORDER OF DISMISSAL**

**TO THE HONORABLE COURT:**

The undersigned, attorney for the above-named debtor, notifies the Court as follows,

1. On August 5, 2011 the court entered an order dismissing present case. The dismissal was in response to a motion filed by the trustee alleging arrears in the plan.
2. Debtor's faced a problem related to corneal transplant on her older son (already performed) which caused her to accumulate arrears in the plan. As she became unable to cure her arrears, her mother helped her to get the money and a check was mailed to the trustee in the amount of \$1,500.00 (copy of check attached).
3. As per trustee's calculations, debtor is still in arrears in \$300.00 for the current month and \$15,000.00 for the lump sum proposed in the plan. The expectation to refinance the house within 12 months of confirmation has not been possible, but debtor is making arrangements to have her mother as a co-signer to refinance the mortgage loan in order to liquidate the Sociedad de Gananciales with his ex husband and pay to the plan the proposed amount. Debtor expects to have final numbers on her loan by December in order to provide to the court the details on the transaction with a formal request for permission to carry out that transaction.
4. Is the position of debtor and the undersigned that if the Court reconsider and vacate the order of dismissal, debtor will be able to continue successfully with her bankruptcy.

5. As it may be seen, arrears in debtors plan were the result of an unexpected health emergency in the family aggravated by the present sluggish economy. With the assistance of her mother, debtor may finally comply and receive a discharge.

#### **NOTICE**

**TAKE NOTICE** that within ten (10) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted or decided without actual hearing unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

**WHEREFORE**, we respectfully request from this Honorable Court to take notice of the informed above and reconsider and vacate order of dismissal.

#### **CERTIFICATE OF SERVICE**

I CERTIFY that a copy of this motion has been filed with the Clerk of the Court that will send notice to the Chapter 13 trustee Jose R. Carrion and all parties subscribed to the CM/ECF system. on this same date and by regular U.S. Mail, All other non participants has been notified on this date with a copy of the motion regular mail using the US Postal Service, as per Master Address List attached.

**In Vega Baja, Puerto Rico, this day August 13, 2011**

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Harland Clarke

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